

1 The undersigned parties, through counsel, STIPULATE and AGREE and jointly request
 2 modification of Judge Phyllis J. Hamilton's November 7, 2008, Case Management Order
 3 providing for a settlement conference to occur within 120 days. A settlement conference is
 4 currently scheduled for April 7, 2009, however the parties respectfully request that it be
 5 continued to a later date sometime within the month of August 2009 or some other later date
 6 convenient to the court and the respective parties.

7 The parties make this request based upon the following circumstances:

8 1. The parties are currently scheduled to participate in a Settlement Conference before
 9 Magistrate Judge Spero on April 7, 2009.

10 2. The parties arranged to have Plaintiff's deposition taken on February 25, 2009, and
 11 February 26, 2009, at California State Prison, San Quentin, where plaintiff was in custody.

12 3. However, due to unforeseen circumstances, Defendants' counsel was unable to take
 13 Plaintiff's deposition on the noticed date. Specifically, the day before the noticed deposition
 14 date, Plaintiff's counsel went to visit Plaintiff at San Quentin and was advised that Plaintiff's
 15 housing classification had been recently changed. Plaintiff had been placed in Administrative
 16 Segregation and was no longer in General Population. Plaintiff's counsel was further advised
 17 that the classification change was due to threats being made against Plaintiff's life and the
 18 ensuing Department of Correction investigation into the same.

19 4. Plaintiff's counsel was further advised that proceeding with the noticed deposition may
 20 place Plaintiff's life in further jeopardy.

21 5. Therefore, counsel for both parties agreed to continue Plaintiff's deposition to a later date
 22 wherein taking Plaintiff's deposition would not further compromise his security.

23 6. Plaintiff was recently transferred to California State Prison Men's Colony (CMC) in San
 24 Louis Obispo.

25 7. The parties intend to go forward with Plaintiff's deposition within the next 60 days.

8. It is the parties' shared belief that taking plaintiff's deposition will enhance the
 productivity of the contemplated settlement conference.

9. In light of the foregoing, the undersigned parties, through counsel, STIPULATE and AGREE and respectfully request the Court's Case Management Order be modified so as to provide for a Settlement Conference to be held during the month of August 2009, or on a later date that is convenient for both the court and the parties.

[~~PROPOSED~~] ORDER

Pursuant to stipulation, and for good cause appearing, IT IS ORDERED that the Court's Case Management Conference Order in this matter be modified to provide for a settlement conference to take place during the month of August 2009. All other provisions of the Court's original Case Management Order shall remain in effect.

DATED: 3/26/09

